

111TH CONGRESS  
2D SESSION

# S. 2781

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 9, 2010

Referred to the Committee on Energy and Commerce and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## AN ACT

To change references in Federal law to mental retardation to references to an intellectual disability, and change references to a mentally retarded individual to references to an individual with an intellectual disability.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as “Rosa’s Law”.

3 **SEC. 2. INDIVIDUALS WITH INTELLECTUAL DISABILITIES.**

4 (a) HIGHER EDUCATION ACT OF 1965.—Section  
5 760(2)(A) of the Higher Education Act of 1965 (20  
6 U.S.C. 1140(2)(A)) is amended by striking “mental retar-  
7 dation or”.

8 (b) INDIVIDUALS WITH DISABILITIES EDUCATION  
9 ACT.—

10 (1) Section 601(c)(12)(C) of the Individuals  
11 with Disabilities Education Act (20 U.S.C.  
12 1400(c)(12)(C)) is amended by striking “having  
13 mental retardation” and inserting “having intellec-  
14 tual disabilities”.

15 (2) Section 602 of such Act (20 U.S.C. 1401)  
16 is amended—

17 (A) in paragraph (3)(A)(i), by striking  
18 “with mental retardation” and inserting “with  
19 intellectual disabilities”; and

20 (B) in paragraph (30)(C), by striking “of  
21 mental retardation” and inserting “of intellec-  
22 tual disabilities”.

23 (c) ELEMENTARY AND SECONDARY EDUCATION ACT  
24 OF 1965.—Section 7202(16)(E) of the Elementary and  
25 Secondary Education Act of 1965 (20 U.S.C.

1 7512(16)(E)) is amended by striking “mild mental retar-  
 2 dation,” and inserting “mild intellectual disabilities,”.

3 (d) REHABILITATION ACT OF 1973.—

4 (1) Section 7(21)(A)(iii) of the Rehabilitation  
 5 Act of 1973 (29 U.S.C. 705(21)(A)(iii)) is amended  
 6 by striking “mental retardation,” and inserting “in-  
 7 tellectual disability,”.

8 (2) Section 204(b)(2)(C)(vi) of such Act (29  
 9 U.S.C. 764(b)(2)(C)(vi)) is amended by striking  
 10 “mental retardation and other developmental disabil-  
 11 ities” and inserting “intellectual disabilities and  
 12 other developmental disabilities”.

13 (3) Section 501(a) of such Act (29 U.S.C.  
 14 791(a)) is amended, in the third sentence, by strik-  
 15 ing “President’s Committees on Employment of Peo-  
 16 ple With Disabilities and on Mental Retardation”  
 17 and inserting “President’s Disability Employment  
 18 Partnership Board and the President’s Committee  
 19 for People with Intellectual Disabilities”.

20 (e) HEALTH RESEARCH AND HEALTH SERVICES  
 21 AMENDMENTS OF 1976.—Section 1001 of the Health Re-  
 22 search and Health Services Amendments of 1976 (42  
 23 U.S.C. 217a–1) is amended by striking “the Mental Re-  
 24 tardation Facilities and Community Mental Health Cen-  
 25 ters Construction Act of 1963,”.

1 (f) PUBLIC HEALTH SERVICE ACT.—

2 (1) Section 317C(a)(4)(B)(i) of the Public  
3 Health Service Act (42 U.S.C. 247b–4(a)(4)(B)(i))  
4 is amended by striking “mental retardation;” and  
5 inserting “intellectual disabilities;”.

6 (2) Section 448 of such Act (42 U.S.C. 285g)  
7 is amended by striking “mental retardation,” and  
8 inserting “intellectual disabilities,”.

9 (3) Section 450 of such Act (42 U.S.C. 285g–  
10 2) is amended to read as follows:

11 **“SEC. 450. RESEARCH ON INTELLECTUAL DISABILITIES.**

12 “The Director of the Institute shall conduct and sup-  
13 port research and related activities into the causes, pre-  
14 vention, and treatment of intellectual disabilities.”.

15 (4) Section 641(a) of such Act (42 U.S.C.  
16 291k(a)) is amended by striking “matters relating to  
17 the mentally retarded” and inserting “matters relat-  
18 ing to individuals with intellectual disabilities”.

19 (5) Section 753(b)(2)(E) of such Act (42  
20 U.S.C. 294c(b)(2)(E)) is amended by striking “el-  
21 derly mentally retarded individuals” and inserting  
22 “elderly individuals with intellectual disabilities”.

23 (6) Section 1252(f)(3)(E) of such Act (42  
24 U.S.C. 300d–52(f)(3)(E)) is amended by striking  
25 “mental retardation/developmental disorders,” and

1        inserting “intellectual disabilities or developmental  
2        disorders,”.

3        (g) HEALTH PROFESSIONS EDUCATION PARTNER-  
4 SHIPS ACT OF 1998.—Section 419(b)(1) of the Health  
5 Professions Education Partnerships Act of 1998 (42  
6 U.S.C. 280f note) is amended by striking “mental retarda-  
7 tion” and inserting “intellectual disabilities”.

8        (h) PUBLIC LAW 110–154.—Section 1(a)(2)(B) of  
9 Public Law 110–154 (42 U.S.C. 285g note) is amended  
10 by striking “mental retardation” and inserting “intellec-  
11 tual disabilities”.

12        (i) NATIONAL SICKLE CELL ANEMIA, COOLEY’S  
13 ANEMIA, TAY-SACHS, AND GENETIC DISEASES ACT.—  
14 Section 402 of the National Sickle Cell Anemia, Cooley’s  
15 Anemia, Tay-Sachs, and Genetic Diseases Act (42 U.S.C.  
16 300b–1 note) is amended by striking “leading to mental  
17 retardation” and inserting “leading to intellectual disabil-  
18 ities”.

19        (j) GENETIC INFORMATION NONDISCRIMINATION  
20 ACT OF 2008.—Section 2(2) of the Genetic Information  
21 Nondiscrimination Act of 2008 (42 U.S.C. 2000ff note)  
22 is amended by striking “mental retardation,” and insert-  
23 ing “intellectual disabilities,”.

24        (k) REFERENCES.—For purposes of each provision  
25 amended by this section—

1           (1) a reference to “an intellectual disability”  
2       shall mean a condition previously referred to as  
3       “mental retardation”, or a variation of this term,  
4       and shall have the same meaning with respect to  
5       programs, or qualifications for programs, for individ-  
6       uals with such a condition; and

7           (2) a reference to individuals with intellectual  
8       disabilities shall mean individuals who were pre-  
9       viously referred to as individuals who are “individ-  
10      uals with mental retardation” or “the mentally re-  
11      tarded”, or variations of those terms.

12 **SEC. 3. REGULATIONS.**

13       For purposes of regulations issued to carry out a pro-  
14 vision amended by this Act—

15           (1) before the regulations are amended to carry  
16       out this Act—

17               (A) a reference in the regulations to men-  
18       tal retardation shall be considered to be a ref-  
19       erence to an intellectual disability; and

20               (B) a reference in the regulations to the  
21       mentally retarded, or individuals who are men-  
22       tally retarded, shall be considered to be a ref-  
23       erence to individuals with intellectual disabil-  
24       ities; and

1           (2) in amending the regulations to carry out  
2           this Act, a Federal agency shall ensure that the reg-  
3           ulations clearly state—

4                   (A) that an intellectual disability was for-  
5                   merly termed mental retardation; and

6                   (B) that individuals with intellectual dis-  
7                   abilities were formerly termed individuals who  
8                   are mentally retarded.

9   **SEC. 4. RULE OF CONSTRUCTION.**

10          This Act shall be construed to make amendments to  
11          provisions of Federal law to substitute the term “an intel-  
12          lectual disability” for “mental retardation”, and “individ-  
13          uals with intellectual disabilities” for “the mentally re-  
14          tarded” or “individuals who are mentally retarded”, with-  
15          out any intent to—

16                (1) change the coverage, eligibility, rights, re-  
17                sponsibilities, or definitions referred to in the  
18                amended provisions; or

(2) compel States to change terminology in  
State laws for individuals covered by a provision  
amended by this Act.

Passed the Senate August 5, 2010.

Attest: NANCY ERICKSON,  
*Secretary.*